

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

DAVID G. TAYLOR,

Petitioner,

V.

STATE OF WASHINGTON

Respondent.

Case No. C06-5257FDB

ORDER TO AMEND

This habeas corpus petition has been referred to the undersigned Magistrate Judge pursuant

²⁰ to Title 28 U.S.C. §§ 636(b)(1)(A) and 636 (b)(1)(B) and Local Magistrates' Rules MJR 3 and MJR

4. Petitioner seeks federal habeas corpus relief pursuant to 28 U.S.C. § 2254. (Dkt. # 5).

22 Petitioner names only the State of Washington as a Respondent. 28 U.S.C. § 2243 indicates that
23 writs are to be directed “to the person having custody of the person detained”. This person typically
24 is the superintendent of the facility in which the petitioner is incarcerated. Failure to name the
25 petitioner's custodian deprives federal courts of personal jurisdiction. Stanley v. California Supreme
26 Court, 21 F.3d 359, 360 (9th Cir. 1994).

Petitioner is ordered to file an amended petition or a motion to change the case caption

28 | ORDER

1 naming the superintendent of his current detention facility. The new petition or motion must be filed
2 on or before **June 23rd, 2006** or the court will recommend dismissal of this petition on jurisdictional
3 grounds.

4 The clerk is ordered to send copies of this order to the petitioner and to note this matter for
5 the courts **June 23rd, 2006** calendar.

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7 DATED this 26th day of May, 2006.

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9 /S/ J. Kelley Arnold
10 J. Kelley Arnold
11 United States Magistrate Judge

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ORDER